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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,077	10/26/2000	Hideyuki Kimura	107714	1563
25944 7590 08/04/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
PATTERSON, MARC A				
ART UNIT		PAPER NUMBER		
1782				
NOTIFICATION DATE		DELIVERY MODE		
08/04/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com

### Office Action Summary

**Application No.**

09/674,077

**Applicant(s)**

KIMURA ET AL.

**Examiner**

MARC A. PATTERSON

**Art Unit**

1782

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 12-14, 22, 23 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-14, 22, 23 and 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C-3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

**WITHDRAWN REJECTIONS**

1. The 35 U.S.C. 102(e) rejection of Claims 1, 22, 26, 28 and 30 as being anticipated by Matsumoto et al. (U.S. Patent No. 6,030,573), of record on page 2 of the previous Action, is withdrawn.
2. The 35 U.S.C. 103(a) rejection of Claim 2 as being unpatentable over Matsumoto et al (U.S. Patent No. 6,030,573), of record on page 2 of the previous Action, is withdrawn.
3. The 35 U.S.C. 103(a) rejection of Claims 3 - 6, 12 - 14, 23, 27, 29 and 31 - 33 as being unpatentable over Matsumoto et al (U.S. Patent No. 6,030,573) in view of Suzuki et al (Japanese Patent No. 6246777), of record on page 2 of the previous Action, is withdrawn.

**NEW REJECTIONS**

***Claim Rejections – 35 USC § 102(b)***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 2, 22, 26, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (Japanese Patent No. 6246777).

With regard to Claims 1 and 22, Suzuki et al disclose a body which is cylindrical (paragraph 0018, English translation) and therefore has a sidewall portion having an inner surface and an outer surface and an upper opening, and comprises a sheet shaped insert between a core and a cavity of a mold having an upper edge and lower edge (the insert is a blank sheet, therefore sheet shaped; paragraph 0018); resin is injected into the space between the core and the cavity and is unified with the insert, therefore allowing the insert to be bonded to the outer side of the wall of the body (paragraph 0018); Suzuki et al also disclose a main body portion, which is its sidewall, and a mouth end portion, having a different diameter, as shown in Figure 4; the insert therefore has an upper and lower edge which define the length of the sheet - shaped insert, and the upper edge is below the mouth end portion of the body; the claimed aspect of an injection gate mark being formed inwardly apart from the upper end of the insert in an axial direction and at a position corresponding to a position on the inner surface that is covered by the insert is a product - by - process limitation and is therefore given little patentable weight; the injection gate mark of Suzuki et al is near the mouth end portion of Suzuki et al, as shown in Figure 2, but Suzuki et al disclose an article that is a cylindrical body, therefore identical to the article of the claimed invention.

With regard to Claim 2, a gap on the outer surface positioned between opposed ends of the insert and not covered by the insert is disclosed, as shown in Figure 4.

With regard to Claim 26, as stated above, the insert is bonded to an entire surface of the outer surface of the sidewall portion, excluding a mouth portion of the cylindrical molded body.

With regard to Claims 28 and 30, the claimed aspect of the article being made by a method comprising fitting, attaching and holding the insert along the inner surface of the outer

molding unit in the molding cavity is directed to a product - by - process limitation and is therefore given little patentable weight.

6. Claims 3 - 6, 12 - 14, 23, 27, 29 and 31 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (Japanese Patent No. 6246777).

Suzuki et al disclose a cylindrical body as discussed above. With regard to Claims 3 - 5 and 23, Suzuki et al disclose a mold comprises male and female molds (paragraph 0010), therefore an outer mold unit, and core (paragraph 0011), as discussed above, therefore a core shaped to be inserted and fitted into the outer mold unit, therefore a pull out mold unit; the insert is fitted, attached and held along the inner surface (paragraph 0016), and resin is injected toward the molded body inner surface (paragraph 0008); the insert is also therefore pushed onto the inner surface with the resin; the resin is cured and formed (thermosetting; paragraph 0008); the mold unit is a pull - out mold unit (pulled out of the space; paragraph 0025, English translation) for molding, comprising a knock - out pin (ejection pin; paragraph 0011, English translation). Suzuki et al fail to disclose an injection gate mark positioned at an inner surface between the upper and lower edges of the insert. However, Suzuki et al teach that the position of the injection gate, during injection, is not limited to the upper part of the mold core (paragraph 0023). It therefore would have been obvious for one of ordinary skill in the art to have provided for the injection gate in the lower part of the core, therefore providing an injection gate mark positioned at an inner surface between the upper and lower edges of the insert, depending on the desired position of injection, since injection is not limited to the upper part of the core.

With regard to Claims 12, 27 and 29, Suzuki et al further disclose pulling out the pull - out mold unit of the outer mold unit after insertion molding (paragraph 0025, English translation)

and cutting a connection between the cured resin inside an injection gate opening and a molded body by raising the knock - out pin (the ejection pin is raised, eliminating thermoplastics remaining between the core and runner, thus cutting the connection between molded body and the knock - out pin; paragraph 0011, English translation) and removing the body by pushing the bottom portion of the body (the fabricated compound container is taken out from the core by moving upwards the stripper plate with which its bottom portion is in contact (paragraph 0022, English translation; Figure 9).

With regard to Claims 6, 13 - 14 and 31 - 33, as discussed above, the insert disclosed by Suzuki et al is fitted, attached and held in a cylindrical shape along the inner surface of the outer mold unit; the mold unit is a pull - out mold unit as discussed above, and a contact frictional force is therefore applied by placing the insert in a cylindrical shape into the outer mold unit while the core of the injection molding. Suzuki et al disclose an injection gate opening that is taper - like thinned, as shown in Figure 2 at '31.'

#### ANSWERS TO APPLICANT'S ARGUMENTS

7. Applicant's arguments regarding the rejections of the previous Action have been carefully considered and have been found to be persuasive. The rejections are therefore withdrawn. The new rejections above are directed to Claims 1 - 6, 12 - 14, 22 - 23 and 26 - 33.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/  
Primary Examiner, Art Unit 1782

/Rena L. Dye/  
Supervisory Patent Examiner, Art Unit 1782